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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,983	10/18/2004	John Robert Lamberty	GEMS 0169 PA	5982
27256	7590	03/15/2007	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			KAO, CHIH CHENG G	
			ART UNIT	PAPER NUMBER
			2882	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/711,983

Applicant(s)

LAMBERTY ET AL.

Examiner

Chih-Cheng Glen Kao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,8-12,15,21,23-26,28-40 and 42-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,8-12,15,21,23-26,28-40 and 42-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 18, 2006, has been entered.

Claim Objections

2. Applicant is advised that should claims 1, 4, 5, and 8 be found allowable, claims 9-12 and 15 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 2, 4, 5, 8-12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. (US 6980626) in view of Nonaka (JP 2000-102529).

4. Regarding claims 1 and 9, Groh et al. discloses a method comprising the steps of generating a first x-ray flux in a first imaging plane (fig. 1, #4), generating a first image readout (col. 4, lines 13-18), digitally sampling a first scatter signal from said first x-ray flux in a second imaging plane (col. 3, lines 45-55), generating a first compensation signal for said first scatter signal (col. 4, lines 13-17), generating a second x-ray flux in said second imaging plane (fig. 1, #6), generating a second image readout (col. 4, lines 13-18), compensating for scatter in said second image readout with said first compensation signal (col. 4, lines 7-10), activating a first scatter correction algorithm (col. 3, line 65, to col. 4, line 4) in response to said second image readout and said first compensation signal (col. 4, lines 7-10), and generating a first image display from said first scatter correction algorithm (col. 4, lines 16-18).

However, Groh et al. fails to disclose periodically updating through stopping a current exposure in a second imaging plane and reading a scatter image update resulting from an exposure in a first plane.

Nonaka teaches periodically updating through stopping a current exposure in a second imaging plane and reading a scatter image update resulting from an exposure in a first plane (fig. 2, S_{L1} and S_{F1} , and paragraphs 24 and 25).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the method of Groh et al. with the updating of Nonaka, since one

would have been motivated to make such a modification for obtaining a better image (paragraphs 24 and 25) as implied from Nonaka.

5. Regarding claim 2, Groh et al. further discloses the sub-steps of activating a first scatter image formation algorithm (col. 3, line 65, to col. 4, line 4), generating said first compensation signal (col. 4, line 2), and necessarily storing said first compensation signal in a first scatter correction memory.

6. Regarding claims 4, 10, and 11, Groh et al. further discloses generating a third x-ray flux in said first imaging plane (fig. 2, 4 (on)), generating a third image readout (col. 4, lines 5-20), generating a fourth x-ray flux in said second imaging plane (fig. 2, 6 (on)), generating a fourth image readout (col. 4, lines 1-20), digitally sampling a second scatter signal from said fourth x-ray flux in said first imaging plane, and generating a second compensation signal for said second scatter signal (col. 4, lines 10-13).

7. Regarding claims 5 and 12, Groh et al. further discloses generating a second digital scatter readout (col. 4, lines 1-4), generating a fifth x-ray flux in said first imaging plane (fig. 2, 4 (on) and 6 (on)), generating a fifth image readout (col. 4, lines 5-10), and compensating for scatter in said fifth image readout with said second compensation signal (col. 4, lines 10-13).

8. Regarding claims 8 and 15, Groh et al. further discloses activating a second scatter correction algorithm (col. 4, lines 1-4, or claim 1) in response to said fifth image readout (col. 1,

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lines 1-20) and said second compensation signal (col. 4, lines 10-13), and generating a second image display from said second scatter correction algorithm (col. 4, lines 1-4).

9. Claims 21, 23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. in view of Aisaka et al. (US 5021770) and Garland et al. (US 6244507).

10. Regarding claims 21 and 23, Groh et al. discloses a system as recited above. Groh et al. further discloses a gantry (col. 3, line 12), a host computer (fig. 1, #8) adapted to receive a first detector signal, a second detector signal, a first scatter signal, and a second scatter signal (fig. 1, from #5 and 7), wherein said host computer is operable to generate x-ray image data as a function of said first detector signal, said second detector signal, said first scatter signal, and said second scatter signal that is representative of internal portions of an object (fig. 1, P), said x-ray image data including first digital data representative of internal portions of said object when exposed to said first x-ray source (fig. 1, #4), and second digital data representative of internal portions of said object when exposed to said second x-ray source (fig. 1, #6) substantially simultaneously with exposure to said first x-ray source (fig. 2, 4(on) and 6(on)), wherein said first x-ray source (fig. 1, #4) is displaced from said second x-ray source (fig. 1, #6), said first digital data is modified to compensate for scattered radiation from said second x-ray source, and said second digital data is modified to compensate from scattered radiation from said first x-ray source (col. 4, lines 5-18).

However, Groh et al. fails to disclose a data file and digital data representative of a characteristic of an object, wherein said object is a person and said third digital data is representative of at least one of the person's name, identification number, or physical condition.

Aisaka et al. teaches a data file (fig. 1, #2). Garland et al. teaches digital data representative of a characteristic of an object, wherein said object is a person and said third digital data is representative of at least one of the person's name, identification number, or physical condition (col. 1, lines 10-18).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the system of Groh et al. with the data file of Aisaka et al., since one would have been motivated to make such a modification for easier organization and retrieval (fig. 1, #2, and col. 4, lines 26-30) as implied from Aisaka et al.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the system of Groh et al. with the digital data of Garland et al., since one would have been motivated to make such a modification for standardizing files (col. 1, lines 19-28) as shown by Garland et al., which would provide easier retrieval and better compatibility with various systems.

Furthermore, it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the system of Groh et al. with a data file, since rearranging data on a computer involves only routine skill in the art. One would have been motivated to make such a modification to keep things more organized for faster processing or for easier searching.

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11. Regarding claim 28, Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose wherein at least one image is of the person's chest cavity.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further modify the system of Groh et al. as modified above with the image of a person's chest cavity, since such a modification would have only involved rearranging parts of an invention, which only involves routine skill in the art. One would have been motivated to make such a modification to better see inside that area.

12. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Aisaka et al., and Garland et al. as applied to claim 21 above, and further in view of Grady (US 4426725).

Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose wherein first and second data are generated when first and second sources are located at three positions relative to a person, and wherein said at least three positions define an arc and are located along a straight line, and wherein said arc has a fixed radius.

Grady teaches wherein first and second data are generated when first and second sources (fig. 7, XA and XB) are located at three positions (col. 5, lines 28-32) relative to a person (fig. 7, P), and wherein said at least three positions define an arc (fig. 7, defined by #202 and 203) and are necessarily located along a straight line, and wherein said arc has a fixed radius (fig. 7, defined by #202 and 203).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further modify the system of Groh et al. as modified above with the three positions of Grady, since one would have been motivated to make such a modification for having more information (col. 5, lines 28-32) as implied from Grady.

13. Claims 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. in view of Humphrey et al. (US 2005/0267351).

14. Regarding claims 29-31 and 33, Groh et al. discloses a method as recited above.

However, Groh et al. fails to disclose generating a digital data representative of a characteristic of an object, a person's name, identification number, or physical condition, and generating a request for payment of money based upon at least said third digital data.

Humphrey et al. teaches generating a digital data representative of a characteristic of an object (paragraph 4), a person's name, identification number, or physical condition (paragraph 47), and generating a request for payment of money based upon at least said third digital data (paragraph 6).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the method of Groh et al. with the revenue generating of Humphrey et al., since one would have been motivated to make such a modification for keeping things better organized and obtaining more money (paragraphs 6 and 8) as implied from Humphrey et al.

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15. Regarding claims 32 and 34, Groh et al. as modified above suggests a method as recited above.

However, Groh et al. fails to disclose exposing a person's chest cavity.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further modify the method of Groh et al. as modified above with the step of exposing a person's chest cavity, since such a modification would have only involved rearranging parts of an invention, which only involves routine skill in the art. One would have been motivated to make such a modification to better see inside that area.

16. Regarding claims 35-37, Groh et al. as modified above suggests a method as recited above.

However, Groh et al. fails to disclose a step of transmitting data over a computer network, wherein said computer network is the Internet, a wide-area computer network, or a local-area computer network.

Humphrey et al. teaches a step of transmitting data over a computer network, wherein said computer network is the Internet, a wide-area computer network, or a local-area computer network (paragraph 37).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further modify the method of Groh et al. as modified above with the networking of Humphrey et al., since one would have been motivated to make such a modification for more easily transferring data to various locations (paragraph 1) as implied from Humphrey et al.

17. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. and Humphrey et al. as applied to claim 29 above, and further in view of Filler (US 2001/0051881).

Groh et al. as modified above suggests a method as recited above.

However, Groh et al. fails to disclose storing data in reference to a request for payment and data representative of payments associated with said request for payment.

Filler teaches storing data in reference to a request for payment and data representative of payments associated with said request for payment (paragraphs 3 and 18).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further modify the method of Groh et al. as modified above with the storing of Filler, since one would have been motivated to make such a modification for better management (paragraph 3) as implied from Filler.

18. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Humphrey et al., and Filler as applied to claim 38 above, and further in view of DiRienzo (US 2002/0194035).

Groh et al. as modified above suggests a method as recited above.

However, Groh et al. fails to disclose determining a service charge associated with a request for payment.

DiRienzo teaches determining a service charge associated with a request for payment (paragraph 21).

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It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further modify the method of Groh et al. as modified above with the service charge of DiRienzo, since one would have been motivated to make such a modification for better making sure someone pays for administrative costs as well (paragraph 21) as implied from DiRienzo.

19. Claims 40, 42, 43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al. in view of Karellas et al. (US 2003/0169847) and Motoki (US 6920465).

20. Regarding claim 40, Groh et al. discloses a system as recited above.

However, Groh et al. fails to disclose digital detectors and wherein a data processor is further configured to store digital data representative of a characteristic of an object.

Karellas et al. teaches digital detectors (paragraph 7). Motoki teaches wherein a data processor is further configured to store digital data representative of a characteristic of an object (col. 5, lines 40-45).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the system of Groh et al. with the detectors of Karellas et al., since one would have been motivated to make such a modification for a more compact system (paragraph 4) as implied from Karellas et al.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the system of Groh et al. with the data storing of Motoki, since

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one would have been motivated to make such a modification for easier image identification (fig. 7) as implied from Motoki.

21. Regarding claims 42 and 46, Motoki further teaches wherein a characteristic is one of a person's name (col. 5, lines 40-45).

22. Regarding claim 43, Groh et al. further discloses a human viewable display for generating an image associated with data (col. 4, lines 16-18).

23. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Karellas et al., and Motoki as applied to claim 43 above, and further in view of Annis et al. (US 6628745).

Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose a conveyor for supporting an object, wherein said object is one of baggage, packages, liquid containers, or envelopes, or wherein said object is a vehicle.

Annis et al. teaches a conveyor for supporting an object, wherein said object is one of baggage, packages, liquid containers, or envelopes (fig. 9), or wherein said object is a vehicle (fig. 15).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further modify the system of Groh et al. as modified above with the

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objects of Annis et al., since one would have been motivated to make such a modification for more easily inspecting (figs. 9 and 15) as implied from Annis et al.

24. Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Karellas et al., and Motoki as applied to claim 46 above, and further in view of Yonekawa (US 6504897).

25. Regarding claims 47 and 48, Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose wherein a human viewable display is configured to further generate alphanumeric or graphical images representative of a characteristic simultaneously with an image, wherein said characteristic is one of a name.

Yonekawa teaches wherein a human viewable display (fig. 11) is configured to further generate alphanumeric or graphical images (fig. 11, B) representative of a characteristic simultaneously with an image (fig. 11, C), wherein said characteristic is one of a name (col. 31, lines 51-57).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further modify the system of Groh et al. as modified above with the display of Yonekawa, since one would have been motivated to make such a modification for easier image identification (col. 31, lines 51-57) as implied from Yonekawa.

26. Regarding claim 49, Groh et al. further discloses a gantry (col. 3, line 12).

27. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Groh et al., Karellas et al., Motoki, and Yonekawa, as applied to claim 49 above, and further in view of Cheung (US 6005911).

Groh et al. as modified above suggests a system as recited above.

However, Groh et al. fails to disclose a network interface.

Cheung teaches a network interface (col. 11, lines 1-11).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further modify the system of Groh et al. as modified above with the network interface of Cheung, since one would have been motivated to make such a modification for more easily transferring data (figs. 12 and 13) as implied from Cheung.

Response to Arguments

28. Applicant's arguments filed December 18, 2006, have been fully considered but they are not persuasive.

29. Regarding at least claims 1 and 9, applicant argues that Nonaka fails to disclose or suggest periodically updating an image through stopping a current exposure. The examiner disagrees. As seen in figure 2, prior to the time period for S_{L1} and S_{F1} , the image was corrected with S_{L0} and S_{F0} , as evidenced by $I_{L1}-S_{L0}$ and $I_{F1}-S_{F0}$ at least. Then, at the time period for S_{L1} , a current exposure in one plane is stopped, as evidenced by the lack of a pulse for X_L during the same time period for S_{L1} . This stopping of a current exposure also occurs during the time period

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of S_{F1} for X_F . Then, the image is updated with the acquired scatter images (S_{L1} and S_{F1}), as evidenced by $I_{L8}-S_{L1}$ and $I_{F8}-S_{F1}$. Therefore, Nonaka does disclose or suggest periodically updating (fig. 2; and paragraphs 24 and 25) through stopping a current exposure (fig. 2, at S_{L1} and S_{F1}).

30. Regarding at least claim 29, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

In this case, Groh et al. is directed to a specific imaging method (fig. 1). Humphrey et al. is directed to a general imaging method (paragraph 4) including the step of generating a request for payment of money based on object characteristics (paragraph 6). Therefore, it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the specific imaging method of Groh et al. with the teachings of revenue generation in Humphrey et al. for imaging methods in general, since one would have been motivated to make such a modification for obtaining more money (paragraphs 6 and 8) as implied from Humphrey et al.

Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Groh et al. discloses a specific medical imaging method (fig. 1). Humphrey et al. teaches a general medical imaging method (paragraph 4) with steps for

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generating revenue (as implied from paragraph 6). Therefore, the combination of references would suggest and make obvious a specific medical imaging method (Groh et al.) with steps for generating revenue (Humphrey et al.).

31. Regarding at least claim 40, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

In this case, Groh et al. is directed to a specific imaging system (fig. 1). Motoki is directed to a general imaging system (fig. 1) including storage of data representative of a characteristic of an object (col. 5, lines 40-45). Therefore, it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the specific imaging system of Groh et al. with the teachings of data storage in Motoki for imaging systems in general, since one would have been motivated to make such a modification for easier image identification (fig. 7) as implied from Motoki.

Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Groh et al. discloses a specific medical imaging system (fig. 1). Motoki teaches a general medical imaging system (fig. 1) with a data processor for storing a characteristic of an object (col. 5, lines 40-45). Therefore, the combination of references would

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suggest and make obvious a specific medical imaging system (Groh et al.) with a data processor for storing a characteristic of an object (Motoki).

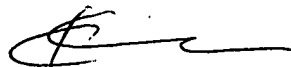
In conclusion, applicant's arguments are not persuasive, and the claims remain rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chih-Cheng Glen Kao
Examiner
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